

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**ESKER MARTIN, III**

**PLAINTIFF**

**v.**

**Case No. 4:20-cv-01266-KGB-BD**

**NEWBURN**

**DEFENDANT**

**ORDER**

The Court has reviewed the recommended disposition submitted by United States Magistrate Judge Beth Deere (Dkt. No. 31). Also pending before the Court are plaintiff Esker Martin, III's motion for order, motion for status, motion for attorney, motion for ruling, and motion to appoint counsel (Dkt. Nos. 33, 34, 37, 38, 39) and defendant Officer Newburn's motion to stay scheduling order (Dkt. No. 35).

Mr. Martin has filed objections to the recommended disposition in which he contends that he filed his discovery as directed and that he signed the paper for the Veteran's Administration or University of Arkansas for Medical Sciences "to send medical records to the Court."<sup>1</sup> (Dkt. No. 36). Upon a *de novo* review of the record, including the recommended disposition and Mr. Martin's objections, the Court finds that Mr. Martin's objections fail to rebut the recommended disposition. Officer Newburn repeatedly requested from Mr. Martin information discoverable under Rule 26 of the Federal Rules of Civil Procedure and attempted in good faith to resolve the discovery dispute. Mr. Martin's responses were incomplete and untimely, and, as such, the responses did not comply with the Court's Order (Dkt. Nos. 30, 32-1, 32-2, 32-3).

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<sup>1</sup> Mr. Martin's claim to have completed the medical authorization form is not supported by any evidence in the record before the Court.

After careful consideration of the recommended disposition, Mr. Martin's objections, and a *de novo* review of the record, the Court concludes that the recommended disposition should be, and hereby is, approved and adopted in its entirety as this Court's findings in all respects (Dkt. No. 31). The Court dismisses without prejudice Mr. Martin's claims due to his failure to comply with the Court's March 29, 2021, Order and his failure to prosecute this lawsuit. The Court denies as moot Mr. Martin's motion for order, motion for status, motion for attorney, motion for ruling, and motion to appoint counsel (Dkt. Nos. 33, 34, 37, 38, 39). The Court denies as moot Officer Newburn's motion to stay (Dkt. No. 35).

It is so ordered this the 7th day of July, 2021.

A handwritten signature in black ink, appearing to read "Kristine G. Baker", written over a horizontal line.

Kristine G. Baker  
United States District Judge